



## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Advers: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Voginia 22313-1450 www.uspto.gov

APPLICATION NO.	NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/843,560	09/843,560 04/26/2001		David Mallis	09432/168002	9436	
22511	7590	08/01/2003				
ROSENTH			EXAMINER			
1221 MCKI SUITE 2800		ENUE	TUGBANG, ANTHONY D			
HOUSTON,	TX 77010	0		ART UNIT	PAPER NUMBER	
				3729	-	
				DATE MAILED: 08/01/2003	9	

Please find below and/or attached an Office communication concerning this application or proceeding.



In

## **Advisory Action**

Application No. 09/843,560		Applicant(s)	
		MALLIS, DAVID	
Examiner		Art Unit	
A. Dexter Tug	bang	3729	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

Examination (RCE) in compliance with 37 of R 1.114.
PERIOD FOR REPLY [check either a) or b)]
<ul> <li>a)  The period for reply expires 3 months from the mailing date of the final rejection.</li> <li>b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In one event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</li> </ul>
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
(a) ⊠ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☑ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) 🗵 they present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: <u>See Attachment</u> .
3. Applicant's reply has overcome the following rejection(s):
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: <i>None</i> .
Claim(s) objected to: None.
Claim(s) rejected: <u>1-19</u> .
Claim(s) withdrawn from consideration: <u>20</u> .
8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.
9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)
10. Other:  A. Dexter Tugbang

**Primary Examiner** 

Art Unit: 3729

Application/Control Number: 09/843,560 Page 2

Art Unit: 3729

## **Attachment to Advisory Action**

In the proposed After Final amendment filed 7/24/03 (Paper No. 8), the changes to at least Claims 1 and 10 now more specifically require that the claimed "wear indicator" extend from either the shoulder of the box member or pin member. These changes alone narrow the scope of the claims requiring further consideration and search by the examiner.

A 1' 4' 4G 4 1N 11